

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

EDWARD E. GILLEN CO.,

Plaintiff,

v.

THE INSURANCE COMPANY OF THE
STATE OF PENNSYLVANIA,

Defendant.

Case No. 10-CV-564

Judge Rudolph T. Randa

FIDELITY AND DEPOSIT COMPANY OF MARYLAND
and BMO HARRIS BANK N.A.,

Intervening Plaintiffs,

v.

THE INSURANCE COMPANY OF THE
STATE OF PENNSYLVANIA and EDWARD E. GILLEN CO.,

Defendants.

**ORDER FOR DISTRIBUTION OF FUNDS HELD BY CLERK OF COURT AND
DISMISSAL WITH PREJUDICE OF REMAINING CLAIMS**

Based upon the Joint Stipulation of the Intervening Plaintiffs Fidelity and Deposit Company of Maryland (“F&D”) and BMO Harris Bank, N.A. (“BMO”):

IT IS HEREBY ORDERED:

1. The Clerk shall distribute the \$1.2 million deposited with the Clerk of Court on May 9, 2014 by The Insurance Company of the State of Pennsylvania (the “Deposit”) to F&D and BMO in the following amounts:

F&D:

Payee name: Fidelity & Deposit Company of Maryland

Amount to be distributed: \$825,610.08, plus 69% of the interest accrued on the Deposit.

Payee address: c/o Riordan, McKee & Piper, LLC, 20 N. Wacker Drive, Suite 910,
Chicago, IL 60606

BMO:

Payee name: BMO Harris Bank, N.A.

Amount to be distributed: \$374,389.92 plus 31% of interest accrued on the Deposit.

Payee address: c/o Godfrey & Kahn, S.C., 833 E Michigan Street, Suite 1800,
Milwaukee, WI 53202.

2. This Order shall not in any way prejudice F&D's right to seek in other actions or proceedings reimbursement/repayment of attorneys' fees, costs and other expenses incurred by F&D in this proceeding from Gillen or any other indemnitor named in that certain Agreement of Indemnity entered into between F&D and Gillen and the indemnitors with an effective date of February 2, 2009.

3. All remaining claims in this action shall be dismissed with prejudice and without costs, which shall terminate this case.

Date: July 21, 2016

BY THE COURT:

s/ William C. Griesbach
for **Honorable Rudolph T. Randa**
U.S. District Judge